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C O N F I D E N T I A L SECTION 01 OF 02 ISLAMABAD 001955

SIPDIS

E.O. 12958: DECL: 05/28/2018  
TAGS: PGOV PK PREL KJUS  
SUBJECT: 62 PARTS OF AMENDMENTS PACKAGE GOES PUBLIC

REF: A. ISLAMABAD 1933  
1B. ISLAMABAD 1918

Classified By: Anne W. Patterson, Reasons 1.4 (b), (d)

1. (SBU) Summary: In a May 24 press conference, Pakistan People's Party (PPP) leader Asif Zardari provided the details of a comprehensive constitutional amendments package, including abolishing the presidential power to dissolve the National Assembly, allowing criticism of Pakistan's armed forces and judiciary, and expanding the constitutional definition of high treason to include judges supporting the future suspension or abrogation of the Constitution. Zardari described many other (relatively) minor reforms, numbering 62 parts in all. Zardari promised to consult with PPP's coalition partners and was confident he could win the support of the lawyers' movement. In response to Zardari's anti-Musharraf tack with the press, the President warned the PPP against targeting him. End summary.

How many points?  
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12. (SBU) Pakistan People's Party (PPP) Co-Chairman Asif Zardari announced to local press May 24 a 62-part bill that would become the 18th Amendment to Pakistan's 1973 Constitution (ref A). His press conference followed a marathon meeting of the party's central executive committee (CEC), which "fully authorized" Zardari's lead on the wide spectrum of issues to be covered by the proposed amendment. (Note: Estranged PPP Vice Chairman Makhdoom Amin Faheem and Supreme Court Bar Association (SCBA) President Aitzaz Ahsan also attended the CEC meeting.)

13. (SBU) In the May 24 press conference, Zardari broadly outlined the PPP's proposed 18th amendment, which he had described to the Ambassador late May 21 (ref B). In addition, the amendment would truncate the retirement age of judges from 68 to 65; the appointment of provincial governors and military service chiefs would be made "in consultation with the Prime Minister;" the appointment of Chief Election Commissioner would be in consultation with the National Assembly and Senate, including the opposition bench in both houses; and the presidency would be limited to two terms.

14. (U) The package also proposes changing the name of Pakistan's Northwest Frontier Province (NWFP) to Pakhtoonkhwa, one of coalition partner Awami National Party's (ANP) long-standing demands. And addressing an on-going demand of Pakistani religious minorities, five new reserved seats will be created in the Senate for this sub-group.

¶ 15. (SBU) In his May 24 press conference, Zardari also emphasized the populist parts of the package aimed at President Pervez Musharraf and the post-November 3 judiciary.

The proposed 18th amendment would annul the Constitution's Article 58(2)(b), which empowers the President to dissolve the National Assembly; would expand Article 6, whereby validation of a suspension or abrogation of the Constitution by any judge would be considered high treason; and would abolish Article 63(1)(g), which disqualifies candidates for parliament if they have previously criticized Pakistan's armed forces or judiciary.

¶ 16. (C) Zardari's press remarks follow other recent public statements in which he argued that "Pakistanis want bread and electricity," adding "Musharraf is a relic of the past." Zardari has also stated in the last couple of days, publicly and privately, that he and the PPP have been under tremendous pressure to "send Musharraf home." Zardari warned: Musharraf should resign rather than be impeached.

¶ 17. (C) Despite these publicized highlights, Law Minister Farooq Naek confirmed May 25 to PolOff that the package, as privately briefed before, would also indemnify Musharraf for any extra-constitutional actions, would keep the post-November 3 judges on the bench, and would clip the powers of the Supreme Court Chief Justice. Whether that Chief Justice would be former CJ Iftikhar Chaudhry still remained an open question, Naek added. Naek said that the

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term of the chief justice would be limited to three years - meaning that Chaudhry would be out of a job by the end of June, even if restored. Zardari was cagier on the issue of the Chief Justice's tenure when Ambassador raised it with him May 26, but said this process could go on for "a long time" because parliament would have to debate all 62 proposed articles.

Consultations

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¶ 18. (SBU) Zardari had stated that the PPP would brief all its coalition partners -- Pakistan Muslim League-Nawaz (PML-N), Jamiat Ulema-e-Islam (JUI-F), and ANP -- on the contents of the amendments package. Reportedly, the ANP has already been briefed. Zardari also committed to talk to SCBA President (and lawyers' movement leader) Ahsan in the hopes of getting his agreement to the package.

¶ 19. (C) Zardari voiced confidence that he could "make (PML-N's) Nawaz (Sharif) agree to the package." But, as of May 27, according to PML-N Information Secretary Ahsan Iqbal, the PML-N had still not received a hardcopy of the draft omnibus amendment. When earlier raised with Law Minister Naek, he rhetorically asked PolOff, "What's the rush?"

¶ 10. (C) Zardari and Nawaz met May 27 to discuss the package, but the meeting was reportedly inconclusive. Iqbal confirmed to PolOff that the sticking point remained the former Chief Justice's future powers and status. Both sides continued to agree that "the sacked judges should be reinstated soon." However, the PML-N is publicly posturing to split the package into two main components: (1) restoring the pre-November 3 judges as the party has proposed all along, and (2) abolishing Musharraf's power to dissolve the National Assembly (58(2)(b)). All unrelated parts of the amendment package would supposedly have to be proposed as separate reform bills.

United Against Musharraf

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¶ 11. (U) Meanwhile, on May 26, PML-N's Iqbal publicly revealed

an alleged tape of Pakistan Muslim League (PML-Q) leader Chaudhry Pervez Elahi plotting to get the nomination papers of Nawaz Sharif rejected; Sharif is set to run in the June 26 by-elections. The tape "assured that the Lahore High Court would constitute a tribunal designed to reject the nomination papers of both Sharifs." Zardari immediately weighed in, calling such actions by Musharraf's party as "undemocratic and distasteful."

¶12. (C) Comment: In his most recent press conference, Zardari clearly accentuated the anti-Musharraf aspects of what is, in reality, an omnibus amendment. He has repeatedly expressed concern at his and his party's falling poll numbers and believes such moves and statements will win popular support. In the days since unveiling the package, Zardari appears to have calculated correctly. However, it is our understanding that there are still a number of provisions from the 62 parts that should appeal to Musharraf and his PML-Q. End comment.

PATTERSON